

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
DAVENPORT DIVISION

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ROBERT W. KRAMER, III d/b/a	)	NO. 3:03-CV-80109-CRW-TJS
CIS INTERNET SERVICES	)	
Plaintiff,	)	PLAINTIFF'S
	)	RESISTANCE TO
vs.	)	DEFENDANT'S MOTION FOR
	)	RELIEF FROM JUDGMENT OR
	)	ORDER AND STAY OF
NATIONAL CREDIT SYSTEMS, INC.,	)	PROCEEDINGS TO ENFORCE A
Et al.,	)	JUDGMENT
Defendants.	)	

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COMES NOW Plaintiff, Robert W. Kramer, III d/b/a CIS Internet Services, and for his Resistance to Defendant's Motion for Relief from a Judgment or Order and Stay of Proceedings to Enforce a Judgment states:

1. On October 10, 2003 a verified Complaint for Injunctions and Damages was filed against multiple Defendants who unlawfully bombarded CIS Internet Services' customers with an extraordinarily large quantity of unsolicited commercial emails, many of which fraudulently implied that they were affiliated with CIS Internet Services by way of false return addresses.
2. On February 20, 2004, after learning that National Credit Systems, Inc. (hereafter 'NCS') was involved in this email scheme, Robert W. Kramer, III, d/b/a CIS Internet Services (hereafter 'Kramer') filed a First Amended Complaint for Injunction and Damages naming NCS as Defendant.
3. On January 11, 2005, Kramer, attempted to effectuate service upon Defendant's chairman or chief officer, Samuel Berke, pursuant to NCS's filing with the New

York Department of State, at 2 Fifth Avenue, New York, NY 10011, which is the address listed by NCS as its principal executive office.

4. Said officer, Samuel Berke, at the aforementioned address was also provided to the New York Department of State as designee for service of process.
5. The information provided to the public and the New York Department of State contained false misrepresentations and concealments of material fact because Samuel Berke had not been affiliated with NCS since 2001, was incapacitated due to Alzheimer's disease at the time of service, and NCS never maintained a principal executive office at 2 Fifth Avenue, New York, NY 10011.
6. The address of 2 Fifth Avenue, New York, NY 10011 is in fact a residential address with a doorman, access to which was denied the process server per the instruction of Mrs. Samuel Berke.
7. On January 12, 2005, Kramer, caused a Summons and Original Notice to be served upon the Secretary of NCS, substantially complying with Iowa Code section 490.504, which is applicable to this proceeding via the Federal Rule of Civil Procedure, Rules 4(h) and (e).
8. On December 22, 2005, a Final Default Judgment and Order of Permanent Injunction against Defendant was entered.
9. On February 27, 2008 Plaintiff obtained an Order Appointing Receiver from the United States District Court for the Southern District of New York appointing Andrew D. Himmel of Himmel & Bernstein LLP as receiver.

